

Case 06-62315-aer13 Doc 48 Filed 08/24/10  
UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re ) Case No. \_\_\_\_\_  
)  
) NOTICE OF INTENT TO Sell Real or  
) Personal Property, Compensate Real Estate  
) Broker, and/or Pay any Secured Creditor's Fees  
) and Costs; Motion for Authority to Sell Property  
) Free and Clear of Liens; and Notice of Hearing  
) **[Note: Do not use to sell personally identifiable**  
Debtor(s) ) **information about individuals!]**

NOTICE IS GIVEN THAT \_\_\_\_\_, the  
\_\_\_\_\_ (i.e., debtor, trustee, etc.), intends to sell the property described below and moves  
for authority to sell said property free and clear of liens pursuant to 11 USC §363(f). The movant's name, address, and  
telephone # are: \_\_\_\_\_.

If you wish to object to any aspect of the sale or fees disclosed in ¶7 or ¶15 you must both: (1) attend the hearing set in ¶16 below and, (2) within 23 days of the later of either (a) the date next to the signature below; or (b) the date in any "Clerk" stamp above, file with the Clerk of Court (i.e., if the 5-digit portion of the Case No. begins with "3" or "4", at 1001 SW 5th Ave. #700, Portland OR 97204; or if it begins with "6" or "7", at 405 E 8<sup>th</sup> Ave #2600, Eugene OR 97401) both: (a) a written response stating the specific facts upon which the objection is based, and (b) proof that a copy of the response was served on the movant.

This document shall constitute the notice required by LBR 2002-1. (COMPLETE ALL SECTIONS.)

1. The specific subsections of 11 USC §363(f) movant relies upon for authority to sell the property free and clear of liens are:
2. Buyer's Name & Relation to Debtor:
3. General description of the property (NOTE: If real property, state street address here. Also attach legal description as an Exhibit to the original filed with the court):
4. A copy of the full property description or inventory may be examined or obtained at:
5. The property may be previewed at (include time and place):
6. Other parties to the transaction and their relationship to the debtor are:
7. Gross sales price: \$\_\_\_\_\_. All liens on the property total: \$\_\_\_\_\_, of which Movant believes a total of \$\_\_\_\_\_ need not be paid as secured claims (because the lien is invalid, avoidable, etc., the lienholder consents to less than full payment, or part or all of the underlying debt is not allowable). Secured creditor(s) also seek(s) reimbursement of \$\_\_\_\_\_ for fees and costs. Total sales costs will be: \$\_\_\_\_\_. All tax consequences have been considered and it presently appears the sale will result in net proceeds to the estate after payment of valid liens, fees, costs and taxes of approximately: \$\_\_\_\_\_.
8. The sale is is not (**MARK ONE**) of substantially all of the debtor's assets. Terms and conditions of sale:

9. Competing bids must be submitted to the movant no later than (date) \_\_\_\_\_, and must exceed the above offer by at least \_\_\_\_\_ (and be on the same or more favorable terms to the estate).

10. Summary of all available information regarding valuation, including any independent appraisals:

11. If ¶7 indicates little or no equity for the estate, the reason for the sale is:

and expenses and taxes resulting from the sale will be paid as follows:

12. (Ch. 11 cases only) The reason for proposing the sale in advance of approval of a plan of reorganization is:

13. The following information relates to lien holders (who are listed in PRIORITY order):

<u>Name</u>	<u>Service Address (See FRBP 7004)</u>	<u>Approximate Lien Amount</u>	<u>Indicate Treatment at Closing (i.e., Fully Pd., Partially Pd., or Not Pd.)</u>
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14. Any liens not fully paid at closing shall attach to the sale proceeds in the same order of priority they attach to the property. Any proceeds remaining after paying liens, expenses, taxes, commissions, fees, costs or other charges as provided in this motion, shall be held in trust until the court orders payment.

15. [If real property] The court appointed real estate broker, \_\_\_\_\_, will be paid \_\_\_\_\_.

**16. A HEARING ON THIS MOTION AND ANY OBJECTIONS TO THE SALE AND/OR FEES WILL BE HELD**

ON \_\_\_\_\_ AT \_\_\_\_\_ IN \_\_\_\_\_ and testimony will be received if offered and admissible.

17. [Unless movant is a Ch. 7 trustee] I certify that on \_\_\_\_\_ a copy of this document was served, pursuant to FRBP 7004, on the debtor(s), trustee, if any, U.S. Trustee, each named lien holder at the address listed above, Creditors' Committee Chairperson, if any, and their respective attorneys; and that a copy was also served that date, pursuant to FRBP 2002(a), on all creditors and parties requesting special notice as listed in the Court's records that were obtained on \_\_\_\_\_, a copy of which is attached to the original document filed with the Bankruptcy Court.

18. FOR FURTHER INFORMATION CONTACT: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
Signature & Relation to Movant

\_\_\_\_\_  
(If debtor is movant) Debtor's Address & Taxpayer ID#(s) (last 4 digits)

**Exhibit "A"**

**Parcel I:**

Beginning at a point on the North-South one-quarter section line 440 feet due South of the Northwest corner of the South half of the Northeast quarter of Section 21, Township 15 South, Range 1 West of the Willamette Meridian; run thence South along said one-quarter section line, 440 feet; thence East parallel to the North line of the said South half of the Northeast quarter to the centerline of the Sublimity to Umpqua Territorial Road; thence Northerly along the said centerline to a point 440 feet South of the said North line of the South half of the Northeast quarter; thence West parallel with said North line to the point of beginning, all in Lane County, Oregon.

EXCEPTING THEREFROM: Beginning at the Iron pin marking the Northwest corner of the South one-half of the Northeast one-quarter of Section 21, Township 15 South, Range 1 West of the Willamette Meridian; thence South  $0^{\circ} 06' 48''$  West 880.00 feet along the North-South one-quarter line of said Section 21 to a point marked by an iron pin; thence South  $89^{\circ} 42' 18''$  East 468.54 feet along a line parallel with the North line of the South one-half of the Northeast one-quarter of said Section 21 to an iron pin marking the true point of beginning; thence North  $3^{\circ} 44' 58''$  East 116.21 feet to a point marked by an iron pin; thence South  $89^{\circ} 42' 18''$  East 771.28 feet along a line parallel with said South line of the North half to a point marked by an iron pin; thence South  $0^{\circ} 17' 42''$  West 116.00 feet to a point marked by an iron pin; thence North  $89^{\circ} 42' 18''$  West 778.28 feet to the true point of beginning, in Lane County, Oregon.

**Parcel II:**

Beginning at the Iron pin marking the Northwest corner of the South one-half of the Northeast one-quarter of Section 21, Township 15 South, Range 1 West of the Willamette Meridian; thence South  $0^{\circ} 06' 48''$  West 880.00 feet along the North-South one-quarter line of said Section 21 to a point marked by an iron pin thence; South  $89^{\circ} 42' 18''$  East 1246.82 feet along a line parallel with the North line of the South one-half of the Northeast one-quarter of said Section 21 to an iron pin marking the true point of beginning; thence South  $89^{\circ} 42' 18''$  East 662.04 feet continuing along said parallel line to a point in the centerline of the Old Crawfordville County Road as traveled (said point being referenced on the ground by an iron pin bearing North  $89^{\circ} 42' 18''$  West 20.42 feet); thence South  $11^{\circ} 25' 32''$  East 44.45 feet along the centerline of said road to a point (being referenced on the ground by an iron pin bearing South  $86^{\circ} 43' 58''$  West 20.20 feet); thence South  $86^{\circ} 43' 58''$  West 672.37 feet to a point marked by an iron pin; thence North  $0^{\circ} 17' 42''$  East 85.30 feet to the true point of beginning, in Lane County, Oregon.

Label Matrix for local noticing  
0979-6  
Case 06-62315-aer13  
District of Oregon  
Eugene  
Tue Aug 24 15:08:52 PDT 2010

ODR BRCY  
955 Center St NE  
Salem, OR 97301-2553

Recovery Management Systems Corp  
25 SE 2nd Avenue, Suite 1120  
Miami, FL 33131-1605

405 E 8th Ave #2600  
Eugene, OR 97401-2725

Account Services  
1802 NE Loop 410, Suite 400  
San Antonio, TX 78217-5298

Apogee Medical Group - OR - Eugene  
PO Box 708850  
Sandy, UT 84070-8850

Asset Acceptance LLC  
Assignee/JC PENNY  
PO Box 2036  
Warren MI 48090-2036

Bank Of America N.A.  
P.O. Box 30610  
Los Angeles, CA 90030-0610

Chase Home Finance, LLC  
PO Box 509011  
San Diego, CA 92150-9011

Chase Home Finance, LLC - CA  
10790 Rancho Bernardo Road  
San Diego, CA 92127-5705

Citi Bank  
P O Box 6000  
The Lakes, NV 89163-0001

Derrick E. McGavic  
Attorney At Law  
P.O. Box 10228  
Eugene, OR 97440-2228

Edward J. Spinney  
Attorney At Law  
315 5th Ave.  
Springfield, OR 97477-4644

Edward P. Bernardi  
Attorney At Law  
3331 SE Milwaukie  
Portland, OR 97202-2746

First National Collection Bureau, Inc.  
610 Waltham Way  
Sparks, NV 89434-6695

First Union  
Jefferson Capital Systems, LLC  
POB 23051  
Columbus, GA 31902-3051

First Union  
Jefferson Capital Systems, LLC  
POB 23051  
Columbus, GA 31902-3051

(p)JEFFERSON CAPITAL SYTEMS LLC  
PO BOX 7999  
SAINT CLOUD MN 56302-7999

McKenzie Willamette EBO  
PO Box 60000  
San Francisco, CA 94160-0001

Medical Data Systems  
128 W. Center Ave., Floor 2  
Sebring, FL 33870-3103

(p)MERCANTILE ADJUSTMENT BUREAU  
PO BOX 9016  
WILLIAMSVILLE NY 14231-9016

(p)MARLIN MEDCLR INOVISION  
507 PRUDENTIAL ROAD  
HORSHAM PA 19044-2308

Northwest Community Credit Union  
P.O. Box 70225  
Eugene, OR 97401-0145

Oregon Account Systems, Inc.  
5848 SE Milwaukie Ave.  
Portland, OR 97202-5256

Originated by First Union  
POB 23051  
Columbus, GA 31902-3051

Pacific Coast Credit  
P.O. Box 40580  
Eugene, OR 97404-0091

Professional Credit Svc  
POB 7548  
Eugene OR 97401-0039

Ray Klein DbA Professional Credit Serv.  
P.O. Box 7548  
Eugene, OR 97401-0039

Recovery Management Systems Corporation  
25 S.E. 2nd Avenue, Suite 1120  
Miami, FL 33131-1605

Sears  
PO Box 45129  
Jacksonville, FL 32232-5129

Thomas Huntsberger  
 Attorney At Law  
 870 W. Centennial Blvd.  
 Springfield, OR 97477-2835

Troutman's Emporium  
 P.O. Box 731  
 Mahwah, NJ 07430-0731

US Trustee, Eugene  
 405 E 8th Ave #1100  
 Eugene, OR 97401-2728

Barbara Ruth Dawson  
 39508 Howard Rd  
 Marcola, OR 97454-9775

Fred Long  
 POB 467  
 Eugene, OR 97440-0467

STEPHEN L BEHREND  
 POB 10552  
 Eugene, OR 97440-2552

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Jefferson Capital Systems, LLC  
 POB 23051  
 Columbus GA 31902-3051

Mercantile Adjustment Bureau  
 40 West Ave.  
 Rochester, NY 14611-2626

NCO Financial System Inc  
 P.O. Box 41457  
 Philadelphia, PA 19101-1457

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Chase Home Finance LLC

(u)Sunwest Financial Inc

(d)ODR Bkcy  
 955 Center St NE  
 Salem OR 97301-2553

End of Label Matrix  
 Mailable recipients 35  
 Bypassed recipients 3  
 Total 38